

Order

Michigan Supreme Court
Lansing, Michigan

June 5, 2015

Robert P. Young, Jr.,
Chief Justice

150857

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 150857
COA: 314579
Ingham CC: 11-000565-FC

YUMAR ANTONIO BURKS,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the December 2, 2014 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other action. MCR 7.302(H)(1). We ORDER the Ingham Circuit Court, in accordance with Administrative Order 2003-3, to determine whether the defendant is indigent and, if so, to appoint attorney Daniel J. Rust, if feasible, to represent the defendant in this Court. If this appointment is not feasible, the trial court shall, within the same time frame, appoint other counsel to represent the defendant in this Court.

The parties shall file supplemental briefs within 42 days of the date of the order appointing appellate counsel addressing whether the trial court erred in refusing the defendant's request for a jury instruction on the offense of second-degree child abuse. See *People v Cornell*, 466 Mich 335 (2002); *People v Wilder*, 485 Mich 35 (2010). The parties should not submit mere restatements of their application papers.


The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issue presented in this case may move the Court for permission to file briefs amicus curiae.



s0602

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 5, 2015


Clerk